

ADR

ORIGINAL

Filed

1 Aly Tamboura
F-17843
2 San Quentin State Prison
P.O. Box 4999
3 San Quentin, CA 94974

4 In Pro Per

FEB 26 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

5 UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7 ALY TAMBOURA

8
9 Petitioner,

10 vs.

11 ROBERT L. AYERS, Warden,
San Quentin State Prison

12
13 Respondent.
14

C08 01143 JF

APPLICATION FOR
APPOINTMENT OF COUNSEL

15 Petitioner, ALY TAMBOURA ("Tamboura") hereby requests that this court
16 appoint an attorney to represent him in his petition for habeas corpus. This application
17 is made pursuant to the Criminal Justice Act, 18 U.S.C., § 3006A, which gives the
18 court authority to appoint counsel to represent an indigent person "whenever the
19 interests of justice so require." 28 U.S.C. § 3006A(a)(2)(b).

20 The Forma Pauperis Affidavit submitted with this application shows that
21 Tamboura satisfies the requirement of indigence. He is serving a fourteen-year
22 sentence, and has only \$40.96 in his prison account. This is not adequate to hire an
23 attorney.

24 Furthermore, this is a case where the interests of justice require that counsel be
25 appointed. The seriousness of Tamboura's sentence is one factor the court should
26 consider. *See Hitchcock v. Eyman*, 418 F.2d 1254, 1246 (9th Cir. 1969). Also, the
27 issues Tamboura is raising, involving a violation of his Fifth and Fourteenth
28 Amendment rights and the sufficiency of the evidence to sustain the findings he
willfully violated probation involve complex legal issues which require the legal

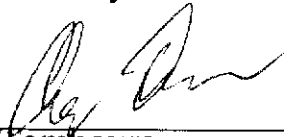
1 expertise of counsel. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986); *United*
2 *States ex. rel Jones v. Fanzen*, 676 F.2d 261, 267 (7th Cir. 1982).

3 All the pleadings in this case, including this one, were prepared by Tamboura's
4 state appellate counsel and not by himself. Tamboura does not have the legal expertise
5 to represent himself. *See Declaration of Appellate Counsel.*

6 For all these reasons, Tamboura asks that this court appoint an experienced
7 attorney to represent him in this matter.

8 DATED: January 31, 2008

9
10 Respectfully Submitted,

11 
12 _____
13 Aly Tamboura
14 In Pro Per
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I declare that I am over the age of 18, not a party to this action and my business address is 100 N. Winchester Blvd., Suite 310, Santa Clara, California 95050. On the date shown below, I served the within APPLICATION FOR APPOINTMENT OF COUNSEL on the following parties hereinafter named by:

X Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Clara, California, addressed as follows:

Attorney General's Office
455 Golden Gate Avenue
Suite 11,000
San Francisco, CA 94102-7004
[Counsel for People of the State of
California]

I declare under penalty of perjury the foregoing is true and correct. Executed this February 22, 2008, at Santa Clara, California.



Paul Couenhoven